

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JOSE VLADIMIR GAYTAN-VENEGAS,	)	
	)	
Petitioner,	)	CASE NO. C14-0984-JLR-MAT
	)	
v.	)	
	)	REPORT AND RECOMMENDATION
DEPARTMENT OF HOMELAND	)	
SECURITY, et al.,	)	
	)	
Respondents.	)	
_____	)	

Petitioner was one of approximately 30 *pro se* immigration detainees at the Northwest Detention Center who sought to bring a class action related to voluntary departure and reinstatement of removal procedures, among other things. *See Monge-Piedra v. Dep't of Homeland Sec.*, Case No. 14-457-TSZ-MAT, Dkt. 2-1 (W.D. Wash. 2014). That action was broken into individual actions, and petitioner's amended habeas petition pursuant to 28 U.S.C. § 2241 was filed under the instant cause number.

Petitioner's amended petition alleges his own claims, as well as claims of some of his previous co-petitioners. However, petitioner may only assert his own legal rights and

01 interests, not those of others. Accordingly, on July 28, 2014, the Court issued an order  
02 declining to serve petitioner's amended petition on respondents, and granting him leave to file a  
03 second amended petition by August 29, 2014. Dkt. 5. On August 4, 2014, the copy of the  
04 Court's order that had been mailed to petitioner was returned as undeliverable. Dkt. 6. To  
05 date, petitioner has not provided the Court with an updated address or submitted a second  
06 amended petition.

07 Pursuant to Local Civil Rule 41(b), *pro se* parties are required to keep the Court and  
08 opposing parties advised of their current mailing address. Local Rules W.D. Wash. LCR  
09 41(b). If mail sent to a *pro se* petitioner by the Clerk is returned as undeliverable, and if the  
10 petitioner fails to notify the Court and opposing parties of his or her current mailing address  
11 within 60 days of the mail being returned as undeliverable, the Court may dismiss the action  
12 without prejudice for failure to prosecute. *Id.* Here, more than 60 days have passed since the  
13 copy of the Court's order was returned as undeliverable. Accordingly, the Court recommends  
14 that this action be DISMISSED without prejudice for failure to prosecute. *See* Local Rules  
15 W.D. Wash. LCR 41(b). A proposed Order accompanies this Report and Recommendation.

16 DATED this 15th day of October, 2014.

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19 Mary Alice Theiler  
20 Chief United States Magistrate Judge  
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